FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CIVIL APPLICATION NO. 169 OF 2005
IN
FIRST APPEAL NO. 165 OF 2005
IN
L.C. SUIT NO. 2457 OF 2000

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.C.K. Tripathi for the Applicant.
Mr.C.J. Bore for the Respondent-BMC.

CORAM : A.S. OKA, J.
DATED : February 9, 2007

P.C. :-

1. Heard Advocates appearing for the parties.

2. First Appeal is already admitted for final hearing. Hence, suit structure cannot be allowed to be demolished.

3. Civil Application is disposed of by the following order :-

(i) Till final disposal of the First Appeal, the suit structure shall not be demolished by the Respondent-Corporation on the basis of the notice dated 21st January 2000 and order dated 7th April, 2000, subject to condition that the Applicant shall file an undertaking in this Court within a period of three weeks from today, unconditionally giving an undertaking that the Applicant will not create any third party interests in respect of the suit structure, the Applicant will not induct any third party in the suit structure and that the Applicant will not carry out any additions or alterations to the suit structure without seeking permission of this Court.

(iii) If the undertaking is not

filed within the stipulated time, the interim relief granted will stand vacated automatically.

(iii) In case the Applicant commits any breach of the terms of the undertaking, the Respondent Corporation is at liberty to apply for vacating the interim relief.

(iv) No order as to costs.

(A.S. OKA, J.)